

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA**

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**Z.P., ET. AL,**

§

§

**Plaintiffs,**

§

§

**vs.**

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**7:24-CV-00151-ACA**

§

**ERROL GREGORY BRYANT,**

§

§

**Defendant.**

§

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**DEFENDANT’S MOTION TO DISMISS**

**COMES NOW**, the Defendant, Gregory Errol Bryant (“Bryant”) moves to dismiss Plaintiffs’ Complaint in accordance with FED. R. CIV. P. 12(b)(6). As outlined below and shown in his contemporaneously filed Brief in support of this Motion, Plaintiffs have failed to state a claim upon which this Court can grant relief, and it should dismiss their Complaint accordingly:

1. Plaintiffs’ Complaint is a paradigmatic shotgun complaint which violates the basic pleading standards set out in FED. R. CIV. P. 8(a) and 10(b). Namely, Plaintiffs’ Complaint “is guilty of the venial sin of being replete with conclusory, vague, and immaterial allegations” incorporated into each of its counts.

*Weiland v. Palm Beach Cnty. Sheriff's Off.*, 792 F.3d 1313, 1332 (11th Cir. 2015) (Carnes, C.J.);

2. Count II of Plaintiffs' Complaint fails as a matter of law because the conduct alleged neither falls into one of the three categories of conduct to which Alabama courts have traditionally cabined the tort of "intentional infliction of emotional distress," nor is it sufficiently outrageous and extreme as a matter of law. Minard v. Sam's E., Inc., No. 18-CV-01222, 2018 WL 6392200, at \*2 n.3 (N.D. Ala. Dec. 6, 2018); and

3. Count IV of Plaintiffs' Complaint fails as a matter of law because, it is a criminal offense which does not give rise to a private right of action.

4. The statute of limitations has run with respect to Plaintiff Z.P. for Count II, Count III, and Count IV. The latest date of injury is September 11, 2021<sup>1</sup>. The statute of limitations is two years for state claims resulting in the injury of a person. *See Generally, Chaney v. Ala. West LLC*, 22 So. 3d 488 (Ala. Civ. App. 2008)

**WHEREFORE, premises considered,** the Defendant, Erroll Bryant, moves this Court dismiss Plaintiffs' Complaint, Dismiss Plaintiff's Complaint for all Defendants as to Counts II and IV therein, and Dismiss Plaintiff Z.P. as to Counts II, III, IV therein.

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<sup>1</sup> Plaintiff's Complaint p. 27. (A copy of the complaint is attached for reference to the Defendant's Brief in Support of the Defendant's Motion to Dismiss the Plaintiff's Complaint.)

Respectfully submitted,

/s/ Jason L. Wollitz  
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**CERTIFICATE OF SERVICE**

**COMES NOW, Jason L. Wollitz, Attorney at Law**, and does hereby  
certify that I have served a copy of the foregoing on this the 7<sup>th</sup> day of October  
2024 via electronic transmission, telephone notification or hand delivery.

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